



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION

Meeting Minutes for July 13, 2000

Members in Attendance:

Mark P. Smith	Designee, EOEa
Marilyn Contreas	Designee, DHCD
Richard Thibedeau	Designee, DEM
Arleen O'Donnell	Designee, DEP
Mark Tisa	Designee, DFWELE
Richard Butler	Public Member
Gary Clayton	Public Member
David Rich	Public Member
Frank Veale	Public Member

Others in Attendance:

Mike Gildesgame	DEM
Linda Marler	DEM
Michele Drury	DEM
Vicki Gartland	DEM
John Magenheimer	DEM
Duane Levangie	DEP
Jackie Murphy	EOEA
Millicent Lawton	Commonwealth Magazine
Nina Danforth	DEM
Eileen Simonson	WSCAC
Gretchen Roorbach	MWRA
Kellie O'Keefe	DEP NERO
Pine DuBois	JRWA
Russ Cohen	Riverways Program
Eric Carty	Hopkinton Water & Sewer
William J. Nunnery	Earth Tech
Andrew Gottlieb	DEP

Agenda Item #1: Executive Director's Report

- Smith distributed an RFP which was being published in the Environmental Monitor for the ACOE Section 22 and Planning Assistance to States programs.
- The Lawn Watering project is moving forward. We hope to produce a policy and addendum to the State Water Conservation Standards, as well as guidance material.
- The ongoing lawsuit over Canton appears to be settled.

- Smith just returned from the Watershed 2000 conference, sponsored by the Water Environment Federation, where he gave a talk on the Massachusetts Watershed Initiative.
- The Foxborough Interbasin Transfer application is expected to be submitted shortly.
- The Bluestone desalinization plant FEIR has been submitted. Comments are due on July 24th. WRC Staff will be providing comments. The IBT application was part of DEIR. Additional information was requested through that process, to be provided in the FEIR.
- The stressed basin group has been meeting. More gages have been added for the analyses. An interim list of basins known to be “stressed” will be developed. The next meeting will discuss drainage areas to all the gages and will be held on August 10th.
- The next WRC meeting will be held in the Transportation Building.

Clayton asked if the concept of stressed basins was discussed at the Watershed 2000 conference. Are any other states working on this? Smith said that most areas working on this in the western US are dealing with salmon-based flows. This doesn't have a large municipal constituency. New Jersey has produced a new set of regulations which combine the 303D, TMDL, and Watershed Management programs, focusing on growth management issues. Smith is still reviewing this. NJ is working towards a no net decrease in base flow, but Smith is not sure how this will be achieved. Clayton asked when the stressed basin group will be producing something. Gartland answered she expected something will be available within the next month.

Marler provided an update on the hydrologic conditions:

- In June, a nor'easter brought a couple of inches of rain. Thunderstorms, most notably on June 25th and 26th in the northwest part of the state, provided 10 inches of rain. There were flood level conditions on the Westfield River and a dam failure in Cheshire.
- All regions of the state have greater than 100% of normal cumulative precipitation for the water year. The western region has the highest amount. Central Massachusetts has caught up and is out of the deficit. Statewide precipitation is at about 111% of normal.
- Cape Cod still has low groundwater levels. This has been the case for a year. Precipitation records for the Cape were examined. At the Hyannis station, the last water year ended with a 12 inch deficit. The current water year has not been that bad, but they haven't caught up. The Cape now has a 15 inch deficit for a two year period. The USGS and Weather Service indicated that because storms in Massachusetts come from west to east, they “peter out” by the time they reach the Cape. There has also been a lack of nor'easters, which typically brings the snow pack to Cape Cod. The USGS is also saying that because of the size of the aquifers on the Cape, it could be awhile before this recovers.
- The first week of July has not had a lot of precipitation, but this is supposed to change soon.
- Ground water levels through most of the state are above normal.
- Surface water runoff is above normal. Streamflow levels are above normal.
- Most reservoirs are above 90% capacity. This is better than normal for this time of year.
- Most of the drought indices are predicting normal or above normal conditions over the next few months.
- The Weather Service is concerned about hurricanes bringing more rain than necessary. They are predicting a heavy hurricane season, especially during August and September.
- The rainfall website is up and running.

Agenda Item #2: Presentation of Staff Recommendation on the Applicability of the Interbasin Transfer Act to the MWRA's Proposed Work on the Wachusett Aqueduct

Drury stated that the MWRA is proposing to rehabilitate the Wachusett Aqueduct as part of the Walnut Hill Treatment plant project. The aqueduct was originally the main conduit to the Boston metropolitan area. It was replaced by Cosgrove Tunnel in 1964. The Wachusett Aqueduct has remained on standby status for use during emergencies. It is also used to supply the town of Northborough and the Westborough State Hospital. The current capacity of the Wachusett Aqueduct is 300 mgd. Future capacity will be 240 mgd. It will no longer be used to serve the Westborough State Hospital. The Cosgrove Tunnel has a capacity of 600 mgd. Once the Walnut Hill Treatment plant is completed and put on line, the flows will be limited to 405 mgd by the capacity of the treatment plant. The total combined capacity of both the Cosgrove Tunnel and the Wachusett Aqueduct will be reduced by this project, as proposed. The MWRA plans to use rehabilitated Wachusett Aqueduct for redundancy for the Cosgrove Tunnel. It will also be used during the time period when the Cosgrove Tunnel is offline, being connected to the Walnut Hill Treatment plant.

The ITA regulations specifically exempt projects which have the sole purpose to provide redundancy. Because this project is to provide redundancy, and the capacity of the system will be reduced by this project, staff recommends that the Act does not apply to this project.

WSCAC sent a letter to the WRC pointing out that the treatment plant can be bypassed by this new configuration (i.e. the treatment plant will not limit flows) in an emergency or other situation. If this is done in an emergency, it is exempt under the Act. However, if the bypass becomes a permanent situation, it would constitute an increase in capacity and it could need ITA review. Another possibility, which is not being proposed now, is pressurizing the Wachusett Aqueduct. This would increase the ability to transfer flows to the Boston metropolitan area. If this occurs, it would trigger the Act and will need some sort of review.

This recommendation is for the project as proposed now. Any changes in the future, such as bypassing or pressurizing will need additional ITA review. Simonson added that these kinds of rehabilitations bring up questions of what the system's capacity could be in the future. Therefore, we should be aware of what the project will be. Smith stated that the final recommendation should make clear that this recommendation is just for this project, as proposed and any other changes that might increase the ability to transfer water would need additional review. A vote will be requested at the August meeting.

Agenda Item #3: Vote on the Minutes for May, August, September, October 1999 and January 2000

Motion by Clayton, seconded by Butler to approve the minutes of May 1999. The vote was 8 in favor with one abstention.

Motion by Veale, seconded by Tisa to approve the minutes of August 1999. The vote was 8 in favor with one abstention.

Motion by Butler, seconded by Clayton to approve the minutes of September 1999. The vote was 8 in favor with one abstention.

Motion by Rich, seconded by Tisa to approve the minutes of October 1999. The vote was 7 in favor with two abstentions.

The minutes of January 2000 were withdrawn because there were too many abstentions

Agenda Item #4: Discussion of Ashland's Requested Increase in Withdrawal

Levangie stated that Ashland was developing two new wells. One will be used solely to supply the town of Hopkinton. DEP will increase Ashland's demand projections, while not increasing the overall permitted volume of the two town systems, combined. Hopkinton will get another water supply source without increasing its overall demand. Hopkinton's permitted volumes will be modified to reflect this. Ashland's demand projections will be increased to reflect the amount of water sold to Hopkinton. Hopkinton can take up to 895,000 gallons per day (gpd) from its own sources. DEP is proposing to modify Hopkinton's Water Management Act (WMA) permit to restrict the total amount taken from all sources, including the well developed by Ashland, to the 895,000 gpd amount. Ashland is allowed 1.42 mgd in its WMA permit. The actual withdrawals have been exceeding this amount, not by the 100,000 gpd threshold, but enough that it is a concern for DEP.

Ashland's original permit application sought to increase its own volume, as well as adding an extra 500,000 gpd to sell to Hopkinton. When DEP and DEM started to look at this request, there were concerns about Ashland's unaccounted-for water amount and increasing gpcd. Therefore DEP suggested to Ashland that they do not seek an increase in their own demand at this time, but that they tighten up their system by implementing increased conservation measures, such as performing a leak detection survey, outdoor water use restrictions and meter testing. If water needs continue to increase in spite of performing the required conservation actions, then DEP will entertain a request for an increase in the amount of water in their permit. DEP has a precedent for this type of permitting. Millis requested an increase in their WMA permit to serve Franklin. DEP gave them two volumes in their permit – one for the town's own use and one to serve Franklin. This gives DEP the ability to regulate Ashland's own withdrawals by requiring a reservoir management plan as part of this permit amendment. This also helps with DEP's move towards regionalization of water supply sources.

The Hopkinton and Ashland water supply sources are all located in the Concord River basin. Hopkinton has a small amount of land in the Blackstone River basin and the Charles River basin, but these areas are mostly sewered back to the Concord River basin. This is related to the recently approved Request for a Determination of Insignificance under the Interbasin Transfer Act, which allowed Hopkinton to purchase water from Ashland. Ashland's sources are in the Sudbury subbasin. Hopkinton's discharge is to the Assabet subbasin. Clayton stated that he has concerns about the stresses to the Assabet subbasin and asked that staff continue to look at this issue. He also would not like to see more water transferred out of the Sudbury subbasin.

Levangie stated that Hopkinton has been under frequent emergency declarations, primarily due to capacity concerns. There is a real need on Hopkinton's part to get this well in use. Hopkinton's wells are very shallow, are subject to fouling, and are being overpumped. Hopkinton is not requesting a demand increase, but just needs to add a new source. This source will give the existing wells some relief. It will also provide some redundancy, if other wells fail. A vote will be requested in August.

Agenda Item #5: Vote on Updated Community Water Conservation Plan

Levangie said that the vote today was to replace the existing Water Conservation Plan questionnaire with a new one. This will be used by all the water permitting programs which require water conservation plans: the Water Management Act program, Water Management Act five year reviews, Interbasin Transfer Act, etc.

Levangie reformatted the document to meet the concerns expressed at the last meeting. The existing Conservation Plan is approximately 30 pages. This one is a more streamlined version of six pages. Some of the concerns expressed were not appropriate to be addressed in a water conservation form, so they were not included here, but this is not the only information that will be required from a permit applicant. A definition of unaccounted-for water has been added. Appendix C may not be relevant any more, as much of it has been incorporated into the body of the form. Levangie suggested that this be eliminated. Danforth suggested that under public education it should be asked if xeriscaping demonstration gardens were installed.

V O T E	A motion was made by Rich with a second by Clayton:
	to approve the water conservation plan for public water suppliers as presented, with the addition of a xeriscaping demonstration garden in the public education section, omission of Appendix C and stating that the effective date is July 13, 2000.
	The vote in favor was unanimous of those present.

Rich stated that the new conservation plan was easier to follow and respond to. He suggested that someone contact regional and state associations to make sure that water suppliers are aware of this new form. Smith suggested using In the Main. Rich suggested direct contact. O'Donnell agreed that outreach was important.

Agenda Item #6: Presentation on Proposed IBT Regulations Change Regarding Third Party Standing

This topic was presented at April meeting. During the Wilmington sewerage discussions last fall, the WRC determined that the Interbasin Transfer Act and regulations do not grant third parties the right to apply for IBT approval or determinations of applicability or insignificance. It was generally agreed that third parties may not have access to the technical information needed to make determinations under the Act. The WRC has always had a policy of allowing third parties to bring potential interbasin transfer issues to its attention. Kerry Mackin of the IRWA requested that this policy be formalized, so in December, the WRC directed Staff to convene a task force to address this issue. The Task Force met in March. Drury stated that Rich had been a valuable member of the task force. The meeting went well. Regulation changes were presented, refined and agreed to at that meeting. These were reviewed by legal counsel from MWRA and DEM.

Smith said a formal regulation change was not planned at this time. Drury said there were other task forces ongoing now. The Interbasin Transfer wastewater task force may propose additional regulatory changes. The Standing Task Force said they could wait to get these changes made. EOEA is also conducting a regulatory review process.

These proposed regulatory changes give third parties the ability to bring potential interbasin transfer issues to the WRC's attention, to begin a formal discussion of the issue and to be notified of the WRC decision. It broadens the public participation process. This formalizes the WRC existing policy of responding to these issues.

Clayton asked if a person is not satisfied with the WRC's decision, do they have the right to appeal the decision. Drury replied that the ability to appeal will not change. Clayton suggested some wording changes. Drury will prepare a red-line/strike-out version for next month and requested that if any other Commission members had comments or changes to fax them to her.

Agenda Item #7: Presentation on DEP's Draft Comprehensive Wastewater Management Plan

Gottlieb said that DEP was in the process of revising the current CWMP. This was last done in 1996. The CWMP serves as guidance to communities for wastewater planning. There is a need to reflect the latest policies in wastewater management, in terms of nutrients and decentralized disposal. In addition, DEP wants to have guidance that helps communities understand their water resources and that tells communities more clearly what the "target" is. DEP is proposing to outline how to get through the process and get a plan approved. The revised plan will discuss the current policies and let communities know that these are the standards that must be achieved.

DEP has held formal sessions with communities and consultants that have been through the process and could provide feedback. These sessions were not all-inclusive. DEP also did a presentation to the 495 Collaborative.

Principles:

- Wastewater should be discharged as close to the source as possible. The more stressed a basin is, the greater the emphasis is on local discharge.
- Treatment for both ground water and surface water discharges that affect surface water needs to be adequate to support designated use of that water body.
- Integrated wastewater management: communities with no centralized wastewater system should be aware that through this process, the likelihood is that they will come out with some kind of combined solution that may involve centralized collection and treatment, package treatment and on-site treatment. For large flows, multiple discharge sites might be necessary.
- Communities need to demonstrate the ability to provide water supply consistent with their WMA authorization. Different wastewater solutions have different growth outcomes, therefore the water supply should be able to "match up".
- DEP has no preference for on-site or centralized discharge.
- The planning process must fully involve local interests groups.
- The CWMP scope must be consistent with a Draft EIR scope.
- Expansion of a wastewater treatment plant will only be allowed after "appropriate" levels of I/I control. What is appropriate for one community may be different for another community.
- Stormwater management needs to be fully evaluated. This is a potential source for off-setting impacts of sewerage or other forms of wastewater discharge.
- The role of conservation and water reuse should also be addressed.
- Pollution trading should also be discussed if applicable.

DEP expects to have an internal draft in August, with public review in September. DEP hopes to have the final document available to the public in December.

Thibedeau asked if one of the principles was to reduce the overall volume of wastewater generated. Gottlieb answered yes, that's why I/I removal and water conservation are required to be addressed. This can be a double-edged sword, because in some smaller streams, low flow conditions are dominated by treated wastewater. We want to control the level of treatment here, not necessarily the amount of flow.

Meeting adjourned

Minutes approved 9/9/04